

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	3.3.07
PROCEDURES MANUAL		ISSUE DATE	August 10, 2000
SUBJECT	Certification of Ponds, Roads, Fills, & Stream Channel Diversions	Section	Enforcement
		Last Revised	3-12-97

OBJECTIVE AND INTENT :

To ensure the Field Inspector properly reviews and considers the permittee's construction certification of ponds, roads, fills, and stream channel diversions.

PROCEDURES :

Sediment Ponds

Inspections of an impoundment must be conducted by a qualified registered professional engineer (RPE) or other qualified professional specialist working under the direction of a RPE. The required inspections must be made regularly during construction, upon completion of construction, and yearly until the structure is removed. The Inspector shall inform the permittee or RPE that a certified report (**DMLR-PT-092**) must be filed with the Division within 2 weeks of each inspection. The certification of completion must be made prior to use of the structure.

In addition to certifying the structure's construction, **DMLR-PT-092** shall be used for the annual pond certifications required by 4 VAC 25-130-816.49(a)(10) or 4 VAC 25-130-817.49(a)(10).

The Inspector shall:

- review and initial **DMLR-PT-092**,
- ensure that the certification is made by a qualified, registered professional engineer, and
- instruct the permittee to submit the original certification to the Division's Big Stone Gap office.

Any significant alteration of the design criteria must be approved by the Division prior to construction. Generally, such changes as, but not limited to, the following will necessitate a revision (form **DMLR-PT-034E**) and prior approval:

1. A proposed change from an excavated basin to embankment, an embankment to flow through, or a flow through to embankment.
2. Proposed changes in the location which may alter the character or function of the structure.
3. A proposed change which may impact fish and wildlife, ground water, or residents not considered in the original permit application.
4. A proposed change in pool volume or dam height which, in the event of failure, could result in adverse effects to downstream structures or residences.
5. Any proposed change which will alter the PHC.
6. Any proposed change that requires MSHA review and approval.

Changes in the construction criteria, as determined appropriate by the certifying RPE, in the site plan, location, or dimension of the structure that do not alter the design criteria do not need to be submitted for review or receive prior approval. These changes, however, must be described by the certifying RPE and shown in the "as built" certification drawing. The drawing, supporting calculations, and narrative describing the changes, purpose, and justification shall be attached to the certification form (**DMLR-PT-092**), showing the "as built" dimension of the structure, any associated spillways, dewatering devices, or other treatment facilities.

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Roads

All primary road construction subject to the Division's jurisdiction must be certified by a qualified RPE. The Inspector shall direct the permittee to complete and submit form **DMLR-PT-098** to certify the road's construction. The certification of the road's construction must be completed prior to the use of the road.

The Inspector shall review and initial **DMLR-PT-098**, and direct the permittee to submit the original certification to the Division's Big Stone Gap office.

If the road construction certification does not correspond with the approved design and specifications, the Inspector shall instruct the permittee to include a permit revision application to address the modification of the approved plans. The certification form **DMLR-PT-098**, shall indicate the "as built" construction and include the road's new design (with appropriate design data, maps, plans and cross-sections).

Excess Spoil Fills

The Inspector shall instruct the permittee:

- to complete and submit form **DMLR-PT-105** when certifying a fill's construction.
- to conduct fill inspections at least quarterly and during critical stages of construction.
- to submit each certified report to the Division within two weeks after each inspection. The certification report must be made by a qualified, registered professional engineer, and must include discussion of any appearances of instability, structural weakness, or other hazardous conditions of the structure.
- to include color photographs with the certification of underdrain construction. (Each phase of the underdrain is to be certified separately, if phase construction is proposed.)

The Inspector shall review and initial the certification (**DMLR-PT-105**), and instruct the permittee to submit the original to the Division's Big Stone Gap office.

If the fill construction certification does not correspond with the approved design and specifications, the Inspector shall instruct the permittee to include a permit revision application to address the modification of the approved plans. The certification form **DMLR-PT-105** shall indicate the "as built" construction and include the fill's new design (with appropriate design data, maps, plans and cross-sections).

If the permittee is required to conduct acid-base analysis of the fill material (as condition of permit approval), the Inspector should ensure that the permittee also submits the Acid-Base analysis quarterly report (**DMLR-PT-239**) to the Division with the construction certification.

Coal Processing Waste Dams, Embankments and Slurry Impoundments

Coal processing waste structures are to be designed, constructed and maintained in accordance with the requirements for excess spoil fills. The Inspector shall direct the permittee to complete and submit form **DMLR-PT-105** to certify construction of one of these structures during critical stage construction phases, and quarterly until final construction is achieved.

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The Inspector should remind the permittee that the company's inspection findings must be maintained at the mine site, and that the permittee is required to notify the Division immediately if the structure poses a potential hazard to the public health or safety or harm to the environment.

The Inspector should note each disposal site that is a MSHA class impounding facility where the inspection, reporting, and certification requirements of 30 CFR Section 77.216 apply (per 4 VAC 25-130-816.49(a)(1)). The Inspector shall review these inspection reports and document the review during the quarterly complete inspection. The inspection report shall note the most recent inspection date of the structure, and who conducted such. An annual certification (**DMLR-PT-092**) is required for the impoundment.

Stream Channel Diversions

The Inspector shall direct the permittee to submit form **DMLR-PT-233** to certify the construction of a stream channel diversion of a perennial or intermittent stream. The certification must be completed by a qualified RPE and shall be prepared for temporary and permanent stream channel diversions. For temporary diversions, once the stream channel diversion is reclaimed per the approved plans, the permittee must certify that the structure was reclaimed per the approved plans.

The Inspector shall review and initial the **DMLR-PT-233**, and instruct the permittee to submit the original to the Division's Big Stone Gap office.